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**TC 2100**



**IN THE UNITED STATES PATENT AND PATENT  
TRADEMARK OFFICE**

*PETITION UNDER C.F.R. 1.181*

Applicant(s): Osamu SHIBATA, et al.

Docket No.: 29288.0300

Serial No.: 09/828,559

Filed: April 6, 2001

TITLE: COPYRIGHT PROTECTION SYSTEM,  
ENCIPHERMENT DEVICE, DECRYPTION  
DEVICE, AND RECORDING MEDIUM

Group Art Unit: TBA

Commissioner for Patents  
Box PETITIONS  
Washington, D.C. 20231-9998

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**AUG 22 2003**

**Technology Center 2100**

Sir:

Applicant, pursuant to 37 CFR §1.181, hereby petitions to proceed with prosecution of the above-referenced patent application which was misplaced due to an error by the U.S. Patent and Trademark Office.

On April 6, 2001, the undersigned filed the attached Patent Application 37 C.F.R. 1.53(b) and received a return postcard with the Serial Number 09/828,559 stamped thereon by the USPTO office and confirming receipt of same on April 6, 2001.

On March 3, 2003, the undersigned prepared to file an Information Disclosure Statement in the above-referenced matter, at which time it was discovered that there was no Filing Receipt in the file, nor had we received a Notice to File Missing Parts as a signed declaration was not available at the time this application was filed. A member of my staff contacted the U.S. Patent and Trademark Office's Office of Initial Patent Examination (OIPE) to determine why we had not received an Official Filing Receipt or Notice to File Missing Parts and was informed by a clerk of that office that our Customer Number had been incorrectly entered into your tracking system and thus our documents were sent to another firm who did not act upon them and the application was abandoned for failure to respond. He then stated he would retrieve the file and rectify the situation.

After several weeks, my assistant again contacted the OIPE, and spoke with Monica Young who confirmed the error in the Customer Number but indicated it looked like our previous request had not been acted upon.

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**OFFICE OF PETITIONS**



Ms. Young then informed my assistant that she would retrieve the file from the repository and proceed to have the case reinstated as the error was obviously a USPTO error. Ms. Young stated she would contact my assistant once the file was returned from the repository but to be patient as it could take some time.

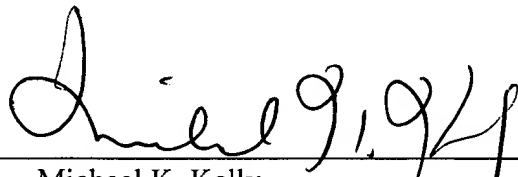
After several weeks, my assistant attempted to contact Ms. Young several times and once able to reach her was informed that the USPTO's system showed the file should be in her area but that it had not yet made it to her desk. Ms. Young did indicate that the file showed in the system as having been in her area for several days and that it was strange it had not yet made it to her desk. She then indicated she would initiate a search for the file and contact my assistant once it was located. It has again been several weeks since my assistant has heard from Ms. Young. She has made attempts to contact her in the last few days, but has yet to receive a response.

It was then determined that we submit this Petition and request that prosecution proceed.

Therefore, please treat the attached paperwork as if it is the original application which was filed on April 6, 2001, by this office and grant the application that filing date. We also hereby revoke any instructions to charge the filing fees to our Deposit Account No. 19-2814 with regard to this application as the filing fee was already submitted in the form of Check No. 501019, a copy of which is enclosed.

Should the Commissioner or his Examiner wish to discuss this matter, please contact the undersigned at (602) 382-6377.

Respectfully submitted,

By  8/12/03  
Michael K. Kelly  
Reg. No. 32,848

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 East Van Buren  
Phoenix, Arizona 85004-2202  
(602) 382-6377

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THE U.S. PATENT AND TRADEMARK OFFICE OFFICIAL MAIL  
ROOM STAMP AFFIXED HERETO ACKNOWLEDGES RECEIPT OF  
THE ITEMS CHECKED BELOW:

Serial No. To be Assigned

Applicant: Osamu SHIBATA, et al.

Filing Date: April 6, 2001

Title/Mark: Copyright Protection System, Encryption  
Device, Decryption Device, and Recording  
Medium

☒ Patent Application  
☒ 54 Pages in Spec 47 No of Claims  
☒ Drawing Sheets 9 (F) (INF.)  
☒ Check \$ 1276.00 No.:  
☐ Power of Attorney  
☐ Extension of Time (duplicate)  
☐ Preliminary Amendment

THE U.S. PATENT AND TRADEMARK OFFICE OFFICIAL MAIL  
ROOM STAMP AFFIXED HERETO ACKNOWLEDGES RECEIPT OF  
THE ITEMS CHECKED BELOW:

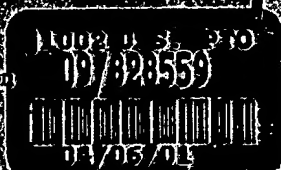
Serial No. To be Assigned

Applicant: Osamu SHIBATA, et al.

Filing Date: April 6, 2001

Title/Mark: Copyright Protection System, Encryption  
Device, Decryption Device, and Recording  
Medium

☒ Patent Application  
☒ 54 Pages in Spec 47 No of Claims  
☒ Drawing Sheets 9 (F) (INF.)  
☒ Check \$ 1276.00 No.:  
☐ Power of Attorney  
☐ Extension of Time (duplicate)  
☐ Preliminary Amendment  
☐ Amendment  
☐ Amendment after FINAL Rejection  
☐ Issue Fee (Base and/or Balance)  
☐ Small Entity Certificate  
☐ Assignment, Coversheet and Fee  
☐ Trademark Application  
☒ Priority Document 2000-105525  
☒ PDS # 2101449 and Reference  
Marked items placed in First Class Mail on



☒ Marked items filed via Express Mail No. 21339435647 on April 6, 2001

S&W Docket No.: 29288-0200 Atty: Mr. Kelly

Attn: Intellectual Property Dept.

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Technology Center 2100

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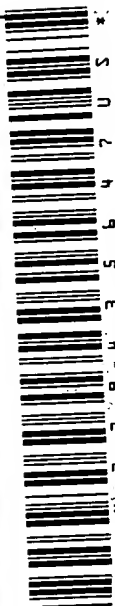
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INTERNATIONAL SHIPMENTS ONLY	Day of Delivery <input checked="" type="checkbox"/> First <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
<input type="checkbox"/> Business Package <input type="checkbox"/> Merchandise	Date In 41 60 41	Postage \$ 16.00
Customs forms and commercial invoices may be required. See Pub 273 and International Mail Manual.	Time In 413 AM	Return Receipt COD
<input type="checkbox"/> No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Weight 1.47 lbs	Total Postage & Fees \$ 16.00
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METHOD OF PAYMENT: X 052770

Express Mail Corporate Acct. No.  
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Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE

ATTORNEY: Michael K. Kelly  
FILE # 2072880300 DATE 4/16/01  
SNELL & WILMER LLP  
400 E VAN BUREN ST  
1 ARIZONA CENTER  
PHOENIX AZ 85004-2223

TO: (PLEASE PRINT)

PHONE

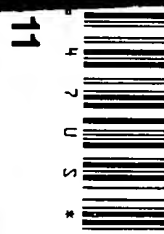
New Application  
BOX ASSISTANT COMMISSIONER FOR  
PATENTS  
WASHINGTON DC 20231-0001

☐ WAIVER OF SIGNATURE (Domestic Only): With delivery to the addressee, the addressee's signature is required. If the addressee is a business, the signature of the addressee or an authorized agent is required. If the addressee is an individual, the signature of the addressee is required. If the addressee is a government agency, the signature of the addressee or an authorized agent is required. If the addressee is a foreign government, the signature of the addressee or an authorized agent is required. If the addressee is a foreign government, the signature of the addressee or an authorized agent is required.

☐ NO DELIVERY

☐ WEEKEND

☐ HOLIDAY



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 INVOICE NO DATE DESCRIPTION INVOICE AMOUNT DISCOUNT NET AMOUNT

040501D 04/05/01 JULIE E 28569-0001

1276.00 0.00 1276.00

501019



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 AUG 22 2003  
 Technology Center 2100

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VEND: 1755 501019 1276.00 0.00 1276.00

SNELL & WILMER  
 L.L.P.

WITH OFFICES IN:  
 TUCSON, ARIZONA  
 IRVINE, CALIFORNIA  
 SALT LAKE CITY, UTAH  
 ONE ARIZONA CENTER  
 PHOENIX, ARIZONA 85004-0001

BANK ONE, ARIZONA, NA  
 P.O. BOX 71, PHOENIX, ARIZONA 85001

91-2/1221

CHECK NO. 501019

DATE CHECK NO.

VEND: 1755 04/06/2001

501019

PAY EXACTLY

\*\*\*\*\*\$1,276.00

Y One Thousand Two Hundred Seventy Six & 00/100 Dollars - void if not processed in 90 days -

TO THE ORDER OF  
 COMMISSIONER OF PATENTS  
 AND TRADEMARKS

501019 1122100024

100591



Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	<b>Attorney Docket No.</b>	<b>29288.0300</b>
	<b>First Inventor</b>	<b>Osamu SHIBATA, et al</b>
	<b>Title</b>	<b>COPYRIGHT PROTECTION SYSTEM, ENCRYPTION...</b>
	<b>Express Mail Label No.</b>	<b>EM339435647US</b>

<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents.</small>	<b>ADDRESS TO:</b> Assistant Commissioner for Patents Box Patent Application Washington, D.C. 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <small>(Submit an original, and a duplicate for fee processing)</small>	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i>
2. <input type="checkbox"/> Applicant claims small entity status. <small>See 37 CFR 1.27.</small>	8. Nucleotide and/or Amino Acid Sequence Submission <small>(if applicable, all necessary)</small>
3. <input checked="" type="checkbox"/> Specification <small>[Total Pages 54]</small> <small>(preferred arrangement set forth below)</small> <ul style="list-style-type: none"><li>- Descriptive title of the invention</li><li>- Cross Reference to Related Applications</li><li>- Statement Regarding Fed sponsored R &amp; D</li><li>- Reference to sequence listing, a table, or a computer program listing appendix</li><li>- Background of the Invention</li><li>- Brief Summary of the Invention</li><li>- Brief Description of the Drawings <i>(if filed)</i></li><li>- Detailed Description</li><li>- Claim(s)</li><li>- Abstract of the Disclosure</li></ul>	a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: <ul style="list-style-type: none"><li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li><li>ii. <input type="checkbox"/> paper</li></ul> c. <input type="checkbox"/> Statements verifying identity of above copies
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <small>[Total Sheets 9]</small>	
5. Oath or Declaration <small>[Total Pages]</small> <ul style="list-style-type: none"><li>a. <input type="checkbox"/> Newly executed (original or copy)</li><li>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <small>(for continuation/divisional with Box 18 completed)</small></li><li>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small></li></ul>	
6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	

<b>ACCOMPANYING APPLICATION PARTS</b>	
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <small>(when there is an assignee)</small>	<input type="checkbox"/> Power of Attorney
11. <input type="checkbox"/> English Translation Document <small>(if applicable)</small>	
12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449	<input checked="" type="checkbox"/> Copies of IDS Citations
13. <input type="checkbox"/> Preliminary Amendment	
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <small>(Should be specifically itemized)</small>	
15. <input checked="" type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small>	
16. <input type="checkbox"/> Request and Certification under 35 U.S.C. 122 <small>(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</small>	
17. <input type="checkbox"/> Other:	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_

Group / Art Unit \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

<b>19. CORRESPONDENCE ADDRESS</b>					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label		20322		or <input type="checkbox"/> Correspondence address below	
		<small>(Insert Customer No. or Attach bar code label here)</small>			
Name	Michael K. Kelly SNELL & WILMER, LLP				
Address	One Arizona Center 400 E. Van Buren Street				
City	Phoenix	State	AZ	Zip Code	85004-2202
Country	USA	Telephone	602-382-6291	Fax	602-382-6070

Name (Print/Type)	Michael K. Kelly	Registration No. (Attorney/Agent)	32,848
Signature	<i>Michael K. Kelly</i>	Date	4/6/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



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Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/17 (11-00)

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

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Application Number	To be assigned	AUG 22 2003
Filing Date	April 6, 2001	
First Named Inventor	Osamu SHIBATA, et al.	Technology Center 2100
Examiner Name	To be assigned	
Group Art Unit	To be assigned	
Attorney Docket No.	29288.0300	

TOTAL AMOUNT OF PAYMENT \$1,276.00

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **19-2814**  
Deposit Account Name **Snell and Wilmer, LLP**

- ☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR § 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355			Utility filing fee	710.00
106	320	206	160			Design filing fee	
107	490	207	245			Plant filing fee	
108	710	208	355			Reissue filing fee	
114	150	214	75			Provisional filing fee	
SUBTOTAL (1)							\$710.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
47	-20** = 27	X 18.00 =	486.00
Independent Claims	4	-3** = 1	X 80.00 = 80.00
Multiple Dependent			

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9			Claims in excess of 20	
102	80	202	40			Independent claims in excess of 3	
104	270	204	135			Multiple dependent claim, if not paid	
109	80	209	40			** Reissue independent claims over original patent	
110	18	210	9			** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)							\$566.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65			Surcharge - late filing fee or oath	
127	50	227	25			Surcharge - late provisional filing fee or cover sheet	
139	130	139	130			Non - English specification	
147	2,520	147	2,520			For filing a request for ex parte reexamination	
112	920*	112	920*			Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*			Requesting publication of SIR after Examiner action	
115	110	215	55			Extension for reply within first month	
116	390	216	195			Extension for reply within second month	
117	890	217	445			Extension for reply within third month	
118	1,390	218	695			Extension for reply within fourth month	
128	1,890	228	945			Extension for reply within fifth month	
119	310	219	155			Notice of Appeal	
120	310	220	155			Filing a brief in support of an appeal	
121	270	221	135			Request for oral hearing	
138	1,510	138	1,510			Petition to institute a public use proceeding	
140	110	240	55			Petition to revive - unavoidable	
141	1,240	241	620			Petition to revive - unintentional	
142	1,240	242	620			Utility issue fee (or reissue)	
143	440	243	220			Design issue fee	
144	600	244	300			Plant issue fee	
122	130	122	130			Petitions to the Commissioner	
123	50	123	50			Processing fee under 37 CFR § 1.17(q)	
126	180	126	180			Submission of Information Disclosure Statement	
581	40	581	40			Recording each patent assignment per property (times number of properties)	
146	710	246	355			Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355			For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355			Request for Continued Examination (RCE)	
169	900	169	900			Request for expedited examination of a design application	
Other fee (specify)							
SUBTOTAL (3)							

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type)	Michael K. Kelly	Registration No. (Attorney/Agent)	32,848	Telephone	602-382-6291
Signature	Michael K. Kelly	Date	4/6/01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



# INVENTOR INFORMATION

Inventor One Given Name:: Osamu  
Family Name:: SHIBATA  
Postal Address Line One:: 211, Shonanryo, 1-6-22, Kikusuidori,  
Postal Address Line Two:: Moriguchi-shi  
City:: Osaka  
Country:: Japan  
Postal or Zip Code:: 570-0032  
City of Residence:: Osaka  
Country of Residence:: Japan  
Citizenship Country:: Japan  
Inventor Two Given Name:: Tsutomu  
Family Name:: SEKIBE  
Postal Address Line One:: 5-49-34, Yamanoue, Hirakata-shi,  
City:: Osaka  
Country:: Japan  
Postal or Zip Code:: 573-0047  
City of Residence:: Osaka  
Country of Residence:: Japan  
Citizenship Country:: Japan

## CORRESPONDENCE INFORMATION

Correspondence Customer Number:: 20322  
Fax One:: 602-382-6070  
Electronic Mail One:: mkelly@swlaw.com

## APPLICATION INFORMATION

Title Line One:: COPYRIGHT PROTECTION SYSTEM, ENCRYPTION  
Title Line Two:: DEVICE, DECRYPTION DEVICE AND RECORDING  
Title Line Three:: MEDIUM  
Total Drawing Sheets:: 9  
Formal Drawings?: Yes  
Application Type:: Utility  
Docket Number:: 29288.0300  
Secrecy Order in Parent Appl.?: No

## REPRESENTATIVE INFORMATION

Representative Customer Number:: 20322

## PRIOR FOREIGN APPLICATIONS

Foreign Application One:: 2000-105525  
Filing Date:: 04-06-2000  
Country:: Japan  
Priority Claimed:: Yes

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OFFICE OF PETITIONS



日 本 国 特 許 庁  
PATENT OFFICE  
JAPANESE GOVERNMENT

別紙添付の書類に記載されている事項は下記の出願書類に記載されて  
る事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed  
in this Office.

出 願 年 月 日  
Date of Application:

2000年 4月 6日

願 番 号  
Application Number:

特願2000-105525

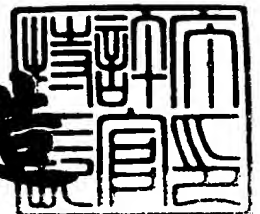
願 人  
Applicant(s):

松下電器産業株式会社

2001年 1月19日

特 許 庁 長 官  
Commissioner,  
Patent Office

及 川 耕 造



出証番号 出証特2000-3112877



(Translation)

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JAPANESE GOVERNMENT

This is to certify that the annexed is a true copy of the following application as filed with this Office.

Date of Application : April 6, 2000

Application Number : Patent Appln. No. 2000-105525

Applicant(s) : MATSUSHITA ELECTRIC INDUSTRIAL  
CO., LTD.

Wafer  
of the  
Patent  
Office

January 19, 2001

Kozo OIKAWA  
  
Commissioner,  
Patent Office

Seal of  
Commissioner  
of  
the Patent  
Office

Appln. Cert. No.

Appln. Cert. Pat. 2000-3112877